Negroes Saved From Death By Supreme Court

Black's Opinion Stresses Need for Civil Liberty In Present Period

(Continued from Page 1)

past, we are not without tragic proof that the exacted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny.

"Due process of law, preserved for all by our constitution, commands that no such practice as that disclosed by this record shall send any accused to his death.

"No higher duty, no more solemn responsibility, rests upon this Court, than that of translating into living law and in maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our constitution—of whatever race, creed or persecution."

CITES 14TH AMENDMENT

Black reviewed the case of the four Negroes — Isiah Chambers, Jack Williamson, Charlie Davis and Walter Woodward—and their conviction May 13, 1933, for the alleged murder of Robert Darsey at Pompano, Fla. He examined their statements that they had been beaten with rubber hoses, threatened with death and kept for hours without being allowed to sleep. He noted the state's denial of any torture and the fact that three times the Florida Supreme Court had reviewed the case and declined to set aside the convictions.

"The Supreme Court of Florida," he ruled, "was in error and its judgment is reversed."

The 14th amendment, Black said, "was intended to protect, at all times, people charged with or suspected of crime by those holding positions of power and authority."

The 14th amendment, enacted after the Civil War, guarantees to all citizens that no state shall abridge their rights and that no state "shall deprive any person of his life, liberty or property without due process of law."

POOR SUFFER MOST

"The determination," Black said, "to preserve an accused's right to procedural due process sprang in large part from knowledge of the historical truth that the rights and liberties of people accused of crime could not be safely entrusted to secret inquisitorial processes."

"They who have suffered most from secret and dictatorial proceedings have almost always been the poor, the ignorant, the numerically weak, the friendless, and the powerless," Black said.

ARRESTED WITHOUT WARRANT

The record in the case of the Florida Negroes shows, said Black, "the dragnet methods of arrest on suspicion without warrant, and the protracted questioning and cross-questioning of these ignorant young colored tenant farmers by state officers and other white citizens, in a fourth floor jail room, where as prisoners they were without friends, advisers or counselors, and under circumstances calculated to break the strongest nerves and the stoutest resistance."

Text of Black's decision appears on page 6.

WASHINGTON, Feb. 12 (UP).—The Supreme Court, on this 131st anniversary of the birth of Abraham Lincoln, today declared itself a haven of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement."

Justice Hugo L. Black, speaking as the voice of a unanimous court, pledged the tribunal to eternal defense of American civil liberties in an opinion which reversed the conviction of four Florida Negroes. The Negroes contended their confession of a murder and subsequent sentence to death had been extracted by beatings and torture.

But Black's opinion, read to a hushed and solemn chamber, appeared to go far beyond the implications of actual case of the four Negro petitioners. It was a statement of the Court's concern with protecting and fostering the ideal of equality, justice and civil liberty.

Black's opinion ran 2,500 words in length and he read it in full—a departure from the ordinary custom of the Court.

"Today," he declared, "as in age

SUPREME COURT DECISION

High Court Lifts Death Sentence of 4 Negroes

Black's Opinion Stresses Need for Civil Liberty In Present Period

Throughout the land our people will hail the decision of the United States Supreme Court reversing the conviction of four of our young men sentenced to death by Florida courts. The so-called "voluntary confessions" was exacted by brutal third-degree methods, revolting in their sadistic barbarity.

Significant is the fact that Mr. Justice Hugo Lafayette Black delivered the unanimous opinion. The significance arises from Justice Black's social origins; he is a Southern-born liberal. Many of us forget that there are liberal white people in the South who do not approve of lynching and disfranchisement, but who are too weak numerically to make their influence felt. The growing labor and progressive movement, which has brought unity among white and black share-croppers, is giving the Southern liberals increased courage and strength.

Some of Mr. Justice Black's words must be underscored heavily in these times: "They who have suffered most from the secret and dictatorial proceedings have almost always been the poor, the ignorant and the numerically weak, the friendless, and the powerless." The categories of that last statement include the great majority of our people in the Southland, through no fault of their own.

Spartanburg, S. C. Herald
October 29, 1940

High Court Turns Down Plea For Review of Equal Pay to Negro Teachers In Virginia

Washington, Oct. 28 (AP).—The supreme court refused today to interfere with a circuit court decision that negro teachers in public schools are entitled to the same compensation as equally qualified white teachers.

The tribunal turned down an appeal by the Norfolk, Va., school board from the decision by the fourth federal circuit court.

Only one word—"denied"—was used in refusing to review the litigation, filed originally by Melvin O. Alston, a negro teacher, and the Norfolk Teachers' association, composed of negroes.

Today's action sends the litigation back to the eastern Virginia federal district court for trial on the merits. That court previously dismissed the suit on the ground that Alston had voluntarily entered into a contract with the school board at $921 a year.

In appealing to the supreme court, the school board contended that "equal school facilities" must be provided "but it does not follow that salaries in public schools must be equal when determined by voluntary contracts."

Alston and the teachers association said the school board officials had been "maintaining the policy, custom, and usage of paying negro teachers and principals in the public schools of Norfolk less salary than white teachers and principals possessing the same professional qualifications, certificates and experience, exercising the same duties and performing the same services as negro teachers and principals."

"Such discrimination is being practiced against the plaintiffs and all other negro teachers and principals in Norfolk, Va., and is based solely upon their race or color," the brief added.

They asserted the circuit court decision "is so clearly sound and consistent with precedent that it should not be reviewed."

"Discrimination because of race or color," they added, "is clearly arbitrary and unreasonable. This court has repeatedly so held in cases arising out of a variety of factual situations."

A Superb Deliverance

The United States Supreme Court stood forth in one of its greatest roles in the decision handed down Monday in the Florida case involving four Negroes convicted of murder and sentenced to death. It stood forth as the protector of human liberty and human life against improper and extralegal treatment. It stood forth as the defender of the simple legal rights of the poor and lowly.

In a great and ringing decision, the Supreme Court upheld the civil rights of four Negroes whom the state of Florida found guilty of murder on the strength of "confessions" wrung from them in extremely dubious circumstances.

And in this memorable decision, unanimously handed down, the court spoke through the voice of Hugo Black of Alabama. Mr. Justice Black wrote this superb deliverance which is surely destined to stand with other great opinions of the Supreme Court in behalf of human liberties.

The four Florida Negroes were arrested after an aged white man had been found murdered. A large number of "suspects" were arrested in dragnet fashion. They were questioned at length. A few of them finally were held for more prolonged questioning. The four who were finally convicted were questioned for nearly a week all day long every day and all night long the final day. After stoutly denying their guilt for nearly a week, they finally "broke."

Meanwhile, as Mr. Justice Black points out in his opinion, the Negroes were in surroundings such as would naturally frighten and upset them. As the justice says, "the haunting fear of mob violence was around them."

The Negroes had no opportunity to consult friends or relatives or to engage counsel. Their civil rights were not accorded to them.

Against this sort of secret inquisitorial police methods Mr. Justice Black speaks out vehemently. There are many admirable and stirring passages in his opinion, such as the following:

"Today, as in ages past, we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny.

"Under our constitutional system courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement. . . .

"The testimony of centuries, in governments of varying kinds over populations of different races and beliefs, stood as proof that physical and mental torture and coercion had brought about the tragically unjust sacrifices of some who were the noblest and most useful of their generations.

"The rack, the thumbscrew, the wheel, solitary confinement, protracted questioning and cross-questioning, and other ingenious forms of entrapment of the helpless or unpopular had left their wake of mutilated bodies and shattered minds along the way of the cross, the guillotine, the stake and the hangman's noose."

This is one of the great Supreme Court opinions of our time, and it stamps Hugo Black as a liberal justice of the highest stature. Alabama is proud of him.

Another Black Opinion

In newspapers all over the country, the news and the comment concerning Monday's session of the Supreme Court dealt almost altogether with the court's decision in the Florida case involving four Negroes convicted of murder. The opinion in this case, written by Mr. Justice Black and concurred in by all the other justices, was a particularly notable pronouncement and deserved, of course, all the attention and the praise it received.

There was, however, another significant opinion by Mr. Justice Black which was handed down the same day. In this opinion also the Alabamian spoke for a unanimous court, with Mr. Justice Murphy not participating in the case. The case in question was one involving an order by the National Labor Relations Board which the Fifth Federal Circuit Court of Appeals had reversed.

The NLRB order directed the Waterman Steamship Corporation, of Mobile, to offer reemployment, with back pay, to a group of seamen discharged after changing their membership from an AFL to a CIO union.

The Supreme Court, in reversing the Circuit Court, warned that the lower courts must not encroach upon the rightful power of federal administrative agencies. In other recent decisions, the Supreme Court has taken a similar position.

The question involved was the familiar one of judicial review of the findings of fact by an administrative agency. In his opinion, Justice Black said:

"In that (the Wagner) act, Congress provided, 'The findings of the board, as to the facts, if supported by evidence, shall . . . be conclusive.' It is of paramount importance that courts not encroach upon this exclusive power of the board." After reciting at length the evidence upon which the board acted, Justice Black remarked that its findings, "far from resting on mere suspicion, are supported by evidence which is substantial."

For many years, ever since the earliest establishment of independent commissions and boards having quasi-judicial functions, there has been a controversy over the extent of the federal agency's authority and of judicial review of its findings. The courts early adopted the position that they had full right of review of an agency's findings. The result was that the operations of such agencies were seriously handicapped and their effectiveness in performing the tasks assigned to them by Congress was sharply restricted.

The Federal Trade Commission, for example, to cite one agency whose history dates back for a good many years, was long kept in such subordination to the courts that its work was of comparatively little avail. Some other federal agencies have had similar experiences.

Of course, the decisions of these federal agencies should be subject to proper judicial review. The law, in the case of the NLRB, for example, provides specifically that appeals from the board's decisions can be taken to the Circuit Court of Appeals. They cannot be taken to a federal district court. This provision, in a sense, places the NLRB's decisions on a par with district court decisions, since appeal from each is to the Circuit Court.

But while there is provision for proper judicial review, Congress has recognized, and the Supreme Court now recognizes, that the work of quasi-judicial agencies cannot be effective if in every detail their operations are subject to overhauling and overruling by courts. Certainly it is reasonable as the Supreme Court has unanimously held in the case under discussion, to exclude findings as to facts, when supported by evidence, from review by the courts. Otherwise, we might as well not have any independent boards or commissions charged with performing special duties.

Nashville, Tenn. Tennessean
October 29, 1940

NEGRO TEACHERS' PAY APPEAL DENIED

Supreme Court Refuses To Interfere in Equal Wage Decision

WASHINGTON, Oct. 28—(AP)—The Supreme Court refused today to interfere with a circuit court decision that Negro teachers in public schools are entitled to the same compensation as equally qualified white teachers.

The tribunal turned down an appeal by the Norfolk, Va., school board from the decision by the fourth federal circuit court.

Only one word—"denied"—was used in refusing to review the litigation, filed originally by Melvin O. Alston, a Negro teacher, and the Norfolk Teachers' Association, composed of Negroes.

A WORD FROM THE SUPREME COURT

"The fact that the written words of a state's laws hold out a promise that no such discrimination will be practised is not enough. The Fourteenth Amendment requires that equal protection to all must be given—not merely promised. . . . If there has been discrimination, whether accomplished ingeniously or ingenuously, the conviction cannot stand."

—Justice Hugo Black.

COURT DECISIONS AFFECTING THE NEGRO - 1940

THE HANSBERRY CASE

NOV 30 1940

The recent opinion handed down by the Supreme Court of the United States in the now celebrated Hansberry case will have a sobering effect on rabid advocates of residential restrictions.

Although the constitutionality of restrictive covenants was not acted upon, the court, however, has made the enforcement of such agreements difficult, and in some instances impossible. Moreover, the decision opens the way for the nullification of judgments rendered in lower courts which have sustained restrictive covenants on the basis of earlier litigations. The court stated plainly:

"It is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment in personam in a litigation in which he is not designated as a party or to which he has not been made a party by service of process."

While providing in general a salubrious precedent, this decision serves in particular to remove the artificial barrier that has bottled up a vast number of the black population into congested, prescribed areas on Chicago's South side.

It means that Negroes henceforth can invade those residential zones in which they were hitherto prohibited from dwelling. It is therefore a substantial victory for our people who have been huddled into a miserable black belt, and a smashing blow to the proponents of restrictive agreements.

It may not be extraneous to construe the opinion of the court as an implied warning to those who seek to promote, maintain and enforce restrictive covenants through various legal devices.

The Supreme Court did not say that such covenants are unconstitutional. Nor did it say that they are constitutional. But a decision in which all of the justices concurred in unanimity is not a common occurrence. It is therefore reasonable to suppose that the unanimity was induced by collective suspicion of the social meaning and consequences of such agreements.

Equal Justice

NOV 28 1940

Justice in the South is being greatly strengthened by Supreme Court decisions requiring the States to grant their citizens the equal protection of the laws."

A consistent line of opinions from the high bench has invalidated convictions or indictments of Negroes by juries from which members of that race have been systematically excluded. Now the court has gone a step further by reversing the conviction of a Negro youth in Harris County, Texas, because the local officials made only a pretense at including Negroes in grand juries.

The reasoning of the court, as outlined by Justice Black, is unassailable. "The fact that the written words of a State's laws hold out a promise that no such discrimination will be practiced is not enough," he writes. "The Fourteenth Amendment requires that equal protection to all must be given—not merely promised. . . . If there has been discrimination, whether accomplished ingeniously or ingenuously, the conviction cannot stand." An essential element of "equal protection" is indictment or trial by a jury selected without prejudice against the defendant. Where Negroes are excluded from juries, or granted only token representation, the danger of unjust convictions becomes very real.

In effect the States have been put on notice that enforcement of their laws, so far as Negroes are concerned, can be attained only by systematic avoidance of racial discrimination in jury service. It is now crystal clear, thanks to the forthright stand the Supreme Court has taken, that convictions will not be upheld if any element of a fair and unprejudiced trial is omitted. By this means the court is bringing very real pressure upon the Southern States to modify practices which all too frequently have mocked the concept "equal justice under law."

There is cause for general satisfaction every time the Constitution is thus invoked to protect minority rights. By this means the principles of democracy can be ever more firmly rooted in our political thought and practice. By this means State law-enforcement systems will be improved at their weakest points. Nor should we overlook the fact that the constructive method by which the Supreme Court is dealing with this difficult problem is precisely the opposite from that prescribed by the unconstitutional anti-lynching bill. By such decisions the court throws back upon the States full responsibility for correcting defects in their law-enforcement systems, instead of breaking down that responsibility, as the anti-lynching bill would tend to do.

NEGROES BARRED ON TEXAS JURY; RAPIST IS FREED

Supreme Court Rules It Is Discrimination.

NOV 26 1940

Washington, D. C., Nov. 25 (AP).—The conviction of a Houston, Tex., Negro for raping a white woman was reversed by the Supreme court today on a finding that Negroes had been barred from grand juries in the county where he was indicted.

"It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community," said the unanimous decision, delivered by Justice Hugo Black.

The court found that altho Negroes constitute more than one-fifth of the population of Harris county, Texas, and "a minimum of from three to six thousand of them measure up" to statutory qualifications, only five had served on grand juries from 1931 thru 1938, when the defendant was indicted, and none had served in 1937 or 1938.

Sentenced to Life Term.

The defendant, Edgar Smith, 18, had been sentenced to life imprisonment. The decision apparently had the effect of freeing him completely for George W. Barcus, Texas assistant attorney general, told the court that the time limit for obtaining a new indictment had expired and thus he could not be retried. He has been held in jail since Aug. 1, 1938.

Black, in an opinion last Lincoln's birthday upset the conviction of a Florida Negro who was subjected to a "third degree." In today's opinion he said that Smith's conviction could not stand if there had been discrimination, however it was accomplished.

"For racial discrimination to result in the exclusion from jury service of otherwise qualified groups not only violates our constitution and the laws enacted under it but is at war with our basic concepts of a democratic society and a representative government," he wrote.

Two Income Tax Decisions.

Two other decisions today, in which the court split 6 to 3, represented victories for the government in income tax cases. Justice McReynolds wrote dissenting opinions in which Chief Justice Hughes and Justice Roberts joined. The majority opinions were by Justice Stone.

The first held that Paul R. G. Horst of Brooklyn, N. Y., was liable for a tax on the income from interest coupons which he had detached from his bonds and transferred to his son as a gift. The son collected the $50,677 interest and included it in his own tax return.

The second found that a life insurance agent, Gerald A. Eubank of New York City, was liable for a tax on $15,612 of renewal commissions on policies sold, altho he had assigned the commissions to a corporate trustee.

Called Surtax Evasion.

The government contended that a transaction like Horst's would afford taxpayers "a ready means by which to escape" high surtax rates and that if Eubank's position were sustained, "the opportunity for tax avoidance would be alarming."

"The import of the statute is that the fruit is not to be attributed to a different tree from that on which it grew," Stone's opinion concluded. It also said that the assignor controled the source of the income and his transfer of it did not relieve him of the tax.

The dissenting opinions declared in both cases that the transferred income was placed completely beyond the donor's control.

The court refused to review a Georgia Supreme court decision which state officials asserted would "seriously endanger" the administration of unemployment compensation programs of 33 states. The decision barred the state from lumping concerns under the same ownership into a single unit to determine whether there were enough employés to warrant the collection of assessments under the unemployment compensation statute.

A 1937 Georgian law permitted assessments against such concerns if, together, they employed eight or more persons.

The court also declined to review a Maine federal court ruling that brokers are liable for misrepresentation under the 1933 "truth in securities" act even when the securities they sell are owned by others.

U.S. COURT ACTS; RULING IS REVERSED

Defender

Justices Hand Down The Decision Without Hearing Debate

3-23-40

WASHINGTON, March 22 —Without hearing oral arguments, the United States Supreme court, Monday, reversed an Alabama supreme court decision which had affirmed the conviction and death sentence of Dave Canty, 26-year-old youth accused of murdering a white nurse in Montgomery, Ala., on March 19. 1938.

Basing its order on the now famous Lincoln Day decision handed down last February 12 in the Florida torture case, the high court for the second time within a month, specifically denied the validity of confessions obtained through torce.

The court thus again reaffirmed the Fourteenth amendment to the Constitution, which guarantees to every citizen accused of a crime, the right of a fair trial.

Canty was sentenced to die on July 15, 1938, but the sentence was stayed pending an appeal. On June 22, 1939, the Supreme court of Alabama affirmed the conviction and death sentence, later denying a rehearing of the case.

History of Case

The murder charge against Canty grew out of the attack upon Eunice and Lillian Ward, two white nurses in Montgomery during March, 1938. As a result of the attack, Lillian Ward died.

The governor of Alabama offered a $1,000 reward for the killer. Officers went through the Race section of Montgomery announcing the reward offer, and arrested many citizens.

A fortune teller "remembering," on being told by a policeman of the $1,000 reward, that Dave Canty had told her that "he was in trouble" and fled the city to Mobile, Ala., sent police officers after the youth.

After administering a severe beating the officers brought Canty back to Montgomery, continued to torture him, and placed him in the underground dungeon of Kilby prison.

Strung Up

Here the prisoner remained for a week without having any charge preferred against him. Despite the torture, Canty refused to admit any connection with the crime.

A confession was finally forced from him when he was taken from Kilby prison to the basement of the Montgomery police headquarters, and there "strung up" until he agreed to make a statement admitting guilt "voluntarily and of his own free will."

Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People, represented Canty, together with Leon A. Ransom of the N.A.A.C.P. national legal committee; and Alex C. Birch, of Montgomery, Ala. The case marked the fourteenth victory for the N.A.A.C.P. out of 15 cases carried before the United States Supreme court.

Attorney General Thomas S. Lawson, of Alabama, conferred with his associates shortly after the decision was made known, in an effort to decide whether to ask the high court for a rehearing. Alabama officials said that if a rehearing is not asked or not granted, a new circuit court trial will probably be held.

No Place For 'German Gestapo' In Arkansas, Supreme Court Rules

Upholds Judgment for $1,500 in Race Man's Suit Against Missouri Pacific.

LITTLE ROCK, Ark., April 11—Upholding judgment for $1,500 awarded in circuit court to Dave Hill in his suit against the Missouri Pacific Railroad and its special agent, Theodore Brownlow, the Arkansas Supreme Court last Monday, pointed out in an opinion concurred in by all Justices, that this country has no place for a German Gestapo.

Courier 4-13-40

In order to get him to change the testimony he had stated he would give in support of an action brought by a plaintiff against the Missouri Pacific seeking to recover $50,000 damages for injuries received when his car was struck by one of the railroad company's locomotives. Hill told a circuit court jury, offering evidence in proof of his statement, that he was repeatedly beaten by officers who took him to Texarkana, in both the city and county jails there.

Affirming the trial court's verdict and judgment in Hill's favor, on appeal of the case by the railroad, the State Supreme Court, in an opinion by Justice E. L. McHaney, said: "The jury had the right to find and were justified in finding that it was all a put-up job by the special agents to get Hill in a place where they could put him on the rack and torture him into telling the truth as they wanted it. The Gestapo of Germany has no place in this country."

WINS SUPREME [illegible] WITH BOARD OF

Courier 3-23-40

TOPEKA, Kan., Mar. 21—(ANP)—John Hunt, attorney for the board of education, Thursday, was given 20 days to file an answer to the writ of mandamus, handed down by the Kansas supreme court, forcing the school board to allow the enrollment of Orlando Graham at Boswell Junior high school. Tinkham Veale and William Bradshaw represented the colored youth, and, according to reliable sources, it will not be necessary to search further for legal points to support their charges against the Topeka Board of Education which demanded that colored youth be enrolled at Boswell, an institution of the Sunflower State which has been reserved for white pupils.

Courier Pittsburgh Pa. 3-23-40

Anderson S. C. Independent Trib

October 29, 1940

NO RULING

WASHINGTON, Oct. 28 —(AP)— The Supreme court refused today to interfere with a circuit court decision that Negro teachers in public schools are entitled to the same compensation as equally qualified white teachers.

Justice Costs Money

It is necessary to see what is wrong before the cure can be applied. For that reason Negroes should know that some part of their troubles come because they are poor, not because they are black. The strongest possible proof of that statement is that of late case after case brought by the group has been carried to a successful conclusion in the high courts. Practically every law is tested out in the courts. It is our failure to carry our cases through the usual course that keeps us from our rights under the law.

SEP 20 1940

The Call

Let's not call that delay the work of prejudice when actually it comes about because we are too poor to go to court. Let's not blame somebody else when the remedy lies in our own hands. Big business ties up a new law. It wants to maintain conditions in statu q u o so that its operations are not disturbed, and at the same time it tries to impress legislators so they will not go too far. Negroes being poor suffer and do little about it.

Kansas City

The moment we see why anti-Negro legislation goes unchallenged, the reason for more race unity is apparent. Many a mickle makes a muckle. The pennies of many can make up a sum which will buy legal talent and justice.

The strength of the pack being the wolf, it follows also that each Negro should get more money in order to do more toward getting his legal rights. The poor, among whites, have a hard time. How could it be any better with the poor who are not white? Individual strength and cooperative effort are the team that will pull the group through.

MURDERED NEGRO'S WIDOW WINS $2500 JUDGEMENT AGAINST LOUISIANA SHERIFF WHO SLEW HER HUSBAND IN COLD BLOOD

NAACP Leads Fight After Peace Officer Kills Man Following Arrest In Gambling Joint

NEW ORLEANS, La. (ANP) — Mrs. Thelma Guichard-Smith, widow of Oscar Smith, who was murdered by a deputy sheriff of St. Benard parish in January of last year, was awarded judgment in a suit against the sheriff, the deputy and their insurers, in Judge Bond's Civil District court this week. The judgment was affected by a compromise with the litigants.

Smith was found murdered a short distance from the parish court house after he had been picked up at the St. Claude Inn, a gambling joint, in the custody of Deputy Sheriff William Standar. Negroes in New Orleans and St. Bernard parish became very much aroused over the murder, and under authorization of the regional conference of Southern N. A. A. C. P. Branches, James B. LaFourche, publicity director of the organization, investigated the killing to determine whether or not to chalk up the first lynching of 1939 against Louisiana and St. [illegible].

Through the cooperation of Chief of Police George Reved and with the aid of Leon Lewis, Associated Negro Press representative, LaFourche manipulated the calling of a grand jury investigation under order of the sheriff and district attorney of that parish. Two of the material witnesses summoned were "missing" from the investigation and a no-true bill was returned by the jury.

Earlier this year Deputy Sheriff Standar was affiliated with a grave illness, rumored to be of a "hoodoo" nature. He never fully recovered from this ailment.

The judgment for $2,500 goes to Mrs. Smith and her two minor children, with $1,500 to her and $500 to each of the children, and is against Sheriff C. F. Rowley, Deputy Standar and their insurers, the Great American Indemnity Comyany. The compromise was affected after Judge Bond made it clear during the trial which was for $15,000 that he was not impressed by the defense to the effect that Smith had a large knife with which he tried to attack Standar, even though a knife was found near his body.

A Superb Deliverance

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In a great and ringing decision, the Supreme Court upheld the civil rights of four Negroes whom the state of Florida found guilty of murder on the strength of "confessions" wrung from them in extremely dubious circumstances.

And in this memorable decision, unanimously handed down, the court spoke through the voice of Hugo Black, of Alabama. Mr. Justice Black wrote this superb deliverance which is surely destined to stand with other great opinions of the Supreme Court in behalf of human liberties.

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Meanwhile, as Mr. Justice Black points out in his opinion, the Negroes were in surroundings such as would naturally frighten and upset them. As the justice says, "the haunting fear of mob violence was around them."

The Negroes had no opportunity to consult friends or relatives or to engage counsel. Their civil rights were not accorded to them.

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"Today, as in ages past, we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny.

"Under our constitutional system courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement. . . .

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This is one of the great Supreme Court opinions of our time, and it stamps Hugo Black as a liberal justice of the highest stature. Alabama is proud of him.

HIGH COURT UPSETS ANTI-NEGRO PACT

Overrules Affirmation of Plan of Chicago Subdivision to Bar Them as Residents

DUE PROCESS PLEA RAISED

Justice Stone's Opinion Made Unanimous — Rehearing Is Likely in Illinois Tribunal

NOV 13 1940

Special to THE NEW YORK TIMES.

WASHINGTON, Nov. 12—A ruling of the Illinois Supreme Court sustaining on technical legal grounds an agreement by which residents of a subdivision on the South Side of Chicago sought to bar Negroes from living there was upset by the Supreme Court today. Justice Stone wrote the unanimous opinion.

Illinois courts held the agreement valid on the ground that legality of such a compact was settled in a previous case and the issue could not be contested in another proceeding. Justice Stone ruled, however, that the earlier case did not control the second.

Carl A. Hansberry and his wife, Nannie, Negroes, pleaded that the Illinois Supreme Court ruling deprived them of due process of law, guaranteed under the Fourteenth Amendment, as they were not parties to the first case.

Although Justice Stone did not deal with the Constitutional question in detail, the overruling of the State Supreme Court in effect supported the Hansberrys. While the opinion carried no specific order it appeared likely that the question would be reopened in the Illinois courts.

The agreement was challenged after lower courts ordered colored persons to leave a home which they had purchased, and enjoined a property owner from disposing of a residence to a Negro purchaser.

The compact, alleged to have been signed by nearly 500 property owners, provided that no part of the property should be sold, leased or permitted to be occupied by a person of the Negro race prior to Jan. 11, 1948, or thereafter unless the compact should be abrogated by the owners of 75 per cent of the frontage involved. The agreement was not to be effective unless signed by the owners of 95 per cent of the frontage before Dec. 21, 1928.

COURT DECISIONS, AFFECTING THE NEGRO- 1940

Supreme Court Lashes Out At Forced Confessions

Opinion Delivered By Justice Hugo Black Sets Aside Death For Four Florida Negroes

WASHINGTON—(AP)—In an opinion delivered by Justice Black, the Supreme Court yesterday condemned "tyrannical" methods used by police to obtain confessions from accused criminals, and set aside the death sentences imposed on four Florida Negroes for the slaying of a white man.

Lashing out on procedure of Florida officers in obtaining confessions, Black said for the court:

"No higher duty, no more solemn responsibility, rests upon this court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our constitution — of whatever race, creed or persuasion."

No dissent was announced to Black's opinion, among several decisions returned by the court on the anniversary of Abraham Lincoln's birth and just prior to a two-week recess.

One of these, also read by Black, sustained a Labor Board order directing the Waterman Steamship Corporation of Mobile, Ala., to offer reemployment, with back pay, to a group of seamen the board contended were discharged after changing their membership from an AFL to CIO union.

Reviewing the record in the Florida case, Black said the four Negroes sentenced to death for the slaying of Robert Darcey, white man, at Pompano, Fla., May 13, 1933, had been "subjected to interrogations" for five days under circumstances "such as to fil petitioners with terror and frightful misgivings."

"Today, as in ages past," Black said, "we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny.

"Under our constitutional system courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement."

The opinion follows in part:

The scope and operation of the fourteenth amendment have been fruitful sources of controversy in our constitutional history. However, in view of its historical setng and the wrongs which called it into being, the due process provision of the Fourteenth Amendment—just as that in the Fifth—has led few to doubt that it was intended to guarantee procedural standards of adequate and appropriate, then and thereafter, to protect, at all times, people charged with or suspected of crime by those holding positions of power and authority. Tyrannical governments had immemorially utilized dictatorial criminal procedure and punishment to make scapegoats of the weak, or of helpless political, religious, or racial minorities and those who differed, who would not conform and who resisted tyranny.

The instruments of such governments were in the main, two. Conduct, innocent when engaged in, was subsequently made by fiat criminally punishable without legislation.

And a liberty loving people won the principle that criminal punishments could not be inflicted save for that which proper legislative action had already by "the law of the land" forbidden when done. But even more was needed. From the popular hatred and abhorrence of illegal confinement, torture and extortion of confessions of violations of the "law of the land" evolved the fundamental idea that no man's life, liberty or property be forfeited as criminal punishment for violation of that law until there had been a charge fairly made and fairly tried in a public tribunal free of prejudice, passion, excitement and tryannical power. Thus, as assurance against ancient evils, our country, in order to preserve "the blessing of liberty," wrote into its basic law the requirement, among others, that the forfeiture of the lives, liberties or property of people accused of crime can only follow if procedural safeguards of due process have been obeyed.

Secret Quiz Discredited

The determination to preserve an accused's right to procedural due process sprang in large part from knowledge of the historical truth that the rights and liberties of people accused of crime could not be safely entrusted to secret inquisitorial processes. The testimony of centuries, in governments of varying kinds over populations of different races and beliefs, stood as proof that physical and mental torture and coercion had brought about the tragically unjust sacrifices of some who were the noblest and most useful of their generations. The rack, the thumbscrew, the wheel, solitary confinement, protracted questioning and cross questioning, and other ingenious forms of entrapment of the helpless or unpopular had left their wake of mutilated bodies and shattered minds along the way to the cross, the guillotine, the stake and the hangman's noose. And they all have suffered most from secret and dictatorial proceedings have almost always been the poor, the ignorant, the numerically weak, the friendless, and the powerless.

This requirement—of conforming to fundamental standards of procedure in criminal trials—was made operative against the states by the Fourteenth Amendment. Where one of several accused had limped into the trial court as a result of admitted physical mistreatment inflicted to obtain confessions upon which a jury had returned a verdict of guilty of murder, this court recently declared, Brown vs. Mississippi, that "It would be difficult to conceive of methods more revolting to the sense of justice than those taken to procure the confessions thus obtained as the basis for conviction and sentence was a clear denial of due process.

Compulsion Is Proved

Here, the record develops a sharp conflict upon the issue of physical violence and mistreatment, but shows, without conflict, the dragnet methods of arrest on suspicion without warrant, and the protracted questioning and cross questioning of these ignorant young colored tenant farmers by state officers and other white citizens, in a fourth-floor jail room, where as prisoners they were without friends, advisers or counselors, and under circumstances calculated to break the strongest nerves and the stoutest resistance. Just as our decision in Brown vs. Mississippi was based upon the fact that the confessions were the result of compulsion, so in the present case, the admitted practices were such as to justify the statement that "the undisputed facts showed that compulsion was applied."

For five days petitioners were subjected to interrogations culminating in Saturday's (May 20) all-night examination. Over a period of five days they steadily refused to confess and disclaimed any guilt. The very circumstances surrounding their confinement and other questioning without any formal charges having been brought, were such as to fill petitioners with terror and frightful misgivings. Some were practical strangers in the community; three were arrested in a one-room farm tenant house which was their home; the haunting fear of mob violence was around them in an atmosphere charged with excitement and public indignation. From virtually the moment of their arrests until their eventual confessions, they never knew just when any one would be called back to the fourth floor room, and there, surrounded by his accusers and others, interrogated by men who held their very lives—so far as these ignorant petitioners could know—in the balance. The rejection of Petitioner Woodward's first "confession," given in the early hours of Sunday morning, because it was found wanting, demonstrates the relentless tenacity which "broke" petitioners' will and rendered them helpless to resist their accusers further. To permit human lives to be forfeited upon confessions thus obtained would make of the constitutional requirement of due process of law a meaningless symbol.

We are not impressed by the argument that law enforcement methods such as those under review are necessary to uphold our laws. The constitution proscribes such lawless means irrespective of the end. And this argument flouts the basic principle that all people must stand on an equality before the bar of justice in every American court. Today, as in ages past, we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny. Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement. Due process of law, preserved for all by our constitution, commands that no such practice as that disclosed by this record shall send any accused to his death. No higher duty, no more solemn responsibility, rests upon this court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our constitution — of whatever race, creed or persuasion.

The Supreme Court of Florida was in error and its judgment is reversed

High Court Saves Four Fla. Youths

WASHINGTON

The principle of third-degree confessions received a severe jolt in the U.S. Supreme Court Monday when the nation's highest tribunal unanimously reversed death sentences of four Florida sharecroppers whose lives had hung in the balance for more than six years.

The decision was written by Justice Hugo L. Black, former Ku Klux Klansman whose appointment last year drew nationwide protest.

Defendants in the case were Isaiah Chamber, Jack Williamson, Charlie Davis and Walter Woodward, accused of the hold-up murder of an aged white man in Pompano, Fla., the night of May 13, 1933. The confessions upon which they were convicted were obtained after five days and nights of constant grilling.

Sentenced 14 Times

Their subsequent fight for life, sponsored by interested citizens and the NAACP, saw four death sentences of the courts of two counties affirmed by the State Supreme Court.

Justice Black's decision read in part:

"To permit human lives to be forfeited upon confessions thus obtained would make of the constitutional requirement of due process of law a meaningless symbol.

"No higher duty, no more solemn responsibility, rests upon this court than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed, or persuasion."

JUSTICE HAS NO POLITICS

It fell to Justice Black yesterday to read a decision which reasserts the role of the Supreme Court of the United States as the ultimate defender of civil liberties. Four Negroes, sentenced to death in Florida on confessions obtained, the Court held, by "violence and torture," were the immediate beneficiaries. Yet there is no citizen, of any race or religion, rich or poor, weak or powerful, who does not share the protection of what Justice Black called "this constitutional shield, deliberately planned and inscribed for the benefit of every human being subject to our Constitution."

Those who have criticized the Court in the past or who may be disposed to criticize it in the future may well bear in mind that it has defended the right of Negroes to register and vote; that in several cases it has protected Negroes against unfair trial and conviction; that it has upheld the right of free speech for minorities; and that in more cases than could be cited in a short space it has reversed local, State and Federal agencies which dared to circumscribe the constitutional guarantees of obscure individuals.

A Court subject in the slightest degree to legislative influence or executive mandate would most certainly have suppressed many of these decisions in the name of political expediency.

4 NEGROES SAVED FROM DEATH BY SUPREME COURT

Black, Former Klansman, Delivers Opinion.

Washington, D. C., Feb. 12 (AP).—The Supreme court spoke out sharply today against "secret, inquisitorial" police methods in reversing the conviction of four Florida Negroes sentenced to death for the robbery-slaying of a white man.

In a Lincoln's birthday session, the court found that confessions obtained from the prisoners thru five days of continuous grilling, even if unaccompanied by physical mistreatment, violated their constitutional right to "due process of law."

The circumstances were such, the court said, as to fill the prisoners with "terror" and "the haunting fear of mob violence was around them."

Klan Controversy Recalled.

The unanimous opinion was read by Justice Hugo L. Black, whose appointment to the bench precipitated an angry controversy because of his one time membership in the Ku Klux Klan. He acknowledged at the time that he once was a klan member, but added that he resigned.

"Today, as in ages past, we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny," said Black.

"Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement.

"Due process of law, preserved for all by our constitution, commands that no such practice as that disclosed by this record shall send any accused to his death.

Maintains "Constitutional Shield."

"No higher duty, no more solemn responsibility, rests upon this court than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our constitution—of whatever race, creed, or persuasion."

The Negroes are Isiah [Izell] Chambers, Jack Williamson, Charlie Davis, and Walter Woodward [Woodard]. They were rounded up with more than 20 other Negroes immediately after the killing of elderly Robert Darcy at Pompano, Fla., in 1933. No charges were filed until after confessions were obtained the following week.

"Here the record develops a sharp conflict upon the issue of physical violence and mistreatment," the Supreme court found, "but shows, without conflict, the dragnet methods of arrest on suspicion without warrant and the protracted questioning and cross-questioning of these ignorant young colored tenant farmers by state officers and other white citizens, in a fourth floor jail room, where as prisoners they were without friends, advisers, or counselors and under circumstances calculated to break the strongest nerves and the stoutest resistance.

Terrorized for Five Days.

"For five days petitioners were subjected to interrogations culminating in Saturday's all night examination. Over a period of five days they steadily refused to confess and disclaimed any guilt. The very circumstances surrounding their confinement and their questioning, without any formal charges having been brought, were such as to fill petitioners with terror and frightful misgivings."

The court added that they "were practical strangers in the community" and that they were "interrogated by men who held their very lives—so far as these ignorant petitioners could know—in the balance."

West Palm Beach, Fla. Times
March 15, 1940

Jury Gives Negro Child $4,500 Award

A long-drawn-out damage suit growing out of the burning of Ed Palmer, negro child, by hot tar in 1935 was settled in circuit court Thursday when the jury returned a verdict of $4,500 for the child. The suit was filed against A. Simon Eassa.

The State Supreme Court late last year ordered the case re-tried solely on the question of the amount of the award to the child. The boy's father, Willie Palmer, said his son, then about 20 months old, was burned on the head and body when hot tar fell on him through the roof while Mr. Eassa, the owner, was having the house repaired.

Adams & Nowlin of Delray Beach represent the child and Phil O'Connell and James Nemec, this city, and C. Y. Byrd of Delray Beach are attorneys for the defendant.

Supreme Court Decision Favors Race

Scheme Called "Fraudulent;" Court Reversed

NOV 23 1940

WASHINGTON, D. C. — The United States Supreme Court last week reversed the decision of the Supreme Court of Illinois upholding a restrictive covenant imposed upon $10,000,000 worth of Chicago property through a fraudulent scheme.

By its adjudication that Mr. and Mrs. Carl A. Hansberry and others were bound by a judgment in a previous case, to which they were not parties, the Illinois Supreme Court deprived them of due process of law guaranteed by the Fourteenth Amendment of the Federal Constitution, the United States Supreme Court ruled.

The opinion was delivered by Justice Harlan F. Stone. Justices James C. McReynolds, Owen J. Roberts and Stanley F. Reed concurred in the result.

Anna M. Lee, Mr. and Mrs. Edward L. Govanus, and others sued originally in the circuit court of Cook County, Illinois, to enjoin the breach of an agreement restricting the use of property consisting of about 27 blocks between Sixtieth and Sixty-third Streets and between Cottage Grove and South Park avenues in Chicago. Some 500 persons owned the property in question.

THE AGREEMENT

The agreement provided that for a specified period no part of the land should be "sold," leased to or permited to be occupied by any person of the colored race." It also provided that it should not be effective unless signed by the owners of 95 percentum of the frontage" within the prescribed area.

The complaint alleged that 95 percent of the owners signed the agreement. This allegation was denied by the defendants, who asserted that the agreement never went into effect. To the defense that the agreement had never become effective because 95 percent of the frontage owners had not signed it, the plaintiffs replied that that issue was settled by the decree in an earlier suit.

NO PARTIES TO SUIT

To this the defendants rejoined that they were not parties to the previous suit or bound by its decree and that denial of their right to litigate in the pending suit the issue of performance of the condition precedent to the validity of the agreement would be a denial of due process of law guaranteed by the Fourteenth Amendment.

The circuit court of Cook County, after a trial on the merits found that only about 54 percent of the frontage owners had signed the agreement and that the only support of the judgment in the earlier case was a false and fraudulent stipulation of the parties that 95 per cent had signed. But it ruled that the issue of performance of the condition precedent to the validity of the agreement was adjudicated and entered a decree for the plaintics. The Illinois Supreme Court affirmed the decree.

The decree restrained James J. Burke from selling or leasing any real estate within the restricted area to colored persons or to white persons for the purpose of selling or leasing to colored persons. It restrained defendant Katz from selling or leasing a certain building to colored persons.

ORDERED TO MOVE

It also restrained Harry H. Pace and the Supreme Liberty Life Insurance Company, of which he is president, from making any further loans on real estate in the restricted area to colored persons or for occupancy by colored persons. It declared the conveyance to Hansberry and his wife void and ordered them to remove from the premises and held the restrictive agreement valid and in full force and effect.

From the decision of the Illinois Supreme Court the defendants appealed. The United States Supreme Court granted a writ of certiorari.

U. S. Supreme Court Sets Aside Death Penalty Of Texas Man

WASHINGTON—(SNS)—The United States Supreme Court Monday set aside the conviction of Bob White, of Polk County, Texas, who was under sentence of death on a criminal attack.

The action marked the third time in less than two months that the tribunal has overruled the state courts to free colored Americans who appealed on the ground that they were subjected to inhuman treatment to force confessions.

HUGHES DENOUNCES RACIAL ANIMOSITY

Justice, Honored by Conference of Christians and Jews, Warns Against Bigotry

DEC 2 8 1940

Special to THE NEW YORK TIMES.

WASHINGTON, Dec. 27—Rancor and bigotry, racial animosities and intolerance were denounced today by Chief Justice Charles Evans Hughes as "deadly enemies of true democracy, more deadly than any external force because they undermine the very foundation of democratic effort."

He made the statement in accepting the Inter-Faith award conferred on him by the National Conference of Christians and Jews for his contribution toward the improvement of human relations.

With Newton D. Baker and the Rev. Dr. S. Parkes Cadman, the Chief Justice organized the conference in 1928.

The citation was presented by conference officials at a private ceremony at Justice Hughes's residence at 6 o'clock this evening. In it Justice Hughes was acclaimed as having "always exemplified the ideals of justice, understanding, friendliness and cooperation among Protestants, Catholics and Jews," and the announcement stated that in realization of the debt owed the Chief Justice the next "Brotherhood Week" to be observed by the conference had been dedicated to him "as an occasion when that indebtedness may be fittingly acknowledged."

Tribute Signed by Leaders

The tribute was signed by Dr. Arthur Compton of Chicago and Roger W. Straus and Professor Carlton J. H. Hayes of New York, co-chairmen, and Everett R. Clinchy, president of the National Conference, all of whom were present at the ceremony with the exception of Professor Hayes, who was represented by Basil O'Connor of New York.

"I wish that Newton Baker and Dr. Cadman were here to share with us the privilege of this occasion," the Chief Justice said.

"You have very generously referred to my part in the founding of this National Conference, and I am deeply grateful that I had the opportunity to join in this organized effort to promote a continuous and effective expression of the sentiment which vitalizes our democracy.

"Popular elections express the will of the people, but back of that will must be the true democratic spirit which alone can save us from the excesses of rule of force. Liberty cannot be conserved by majority rule unless the majority hold secred basic individual rights regardless of race or creed, so that, along with our differences of view, political and religious, we have a deep and abiding sense of human dignity and worth, and hence of our capacity for friendly cooperation in pursuit of common ideals of justice.

"Enemies of True Democracy"

"Rancor and bigotry, racial animosities and intolerance, are wholly incompatible with that cooperation. They are the deadly enemies of true democracy, more dangerous than any external force because they undermine the very foundations of democratic effort.

"This National Conference is devoted to the promotion of national unity—the unity of a free people with that respect for individual rights which makes possible the attainment of our common ends.

"I congratulate the members of the National Conference on its notable success in directing the thought of the American people to this essential objective, and I trust that in the years before us, with the increasing need for that effort, the conference will have a constantly widening influence."

Text of the Citation

The text of the citation awarded to Chief Justice Hughes was as follows:

"Charles Evans Hughes is eminent among those whose influence has encouraged Americans of all religious faiths not to hold aloof from one another but, through conference and cooperation, to sustain the spiritual and ethical standards of the nation. Advocacy of national unity is among the many services that the Chief Justice of the United States has rendered to his country and to mankind.

"Chief Justice Hughes has always exemplified the ideals of justice, understanding, friendliness and cooperation among Protestants, Catholics and Jews. In 1928 he was one of the founders of the National Conference of Christians and Jews. He thus contributed of his statesmanship to the creation of machinery for conference and education in inter-faith relations.

"At this moment in history, when the natural rights of man and the spiritual values treasured by all religious groups are denied in many parts of the world, the American people do well to reaffirm those rights and values and to recognize the support that nas been given to their maintenance in America by the championship of Charles Evans Hughes.

DEC 2 8 1940

"Realizing the debt that these United States owe the Chief Justice for his contribution to the improvement of human relations, the National Conference hereby designates Brotherhood Week, the week of Washington's birthday, 1941, as an occasion when that indebtedness may fittingly be acknowledged.

"In token thereof the National Conference of Christians and Jews presents this citation to Charles Evans Hughes."

Chosen for Honor by Committee

Brotherhood Week, referred to in the citation, will be observed in more than 2,000 communities throughout the country Feb. 22-28, under the auspices of the National Conference of Christians and Jews.

Justice Hughes was selected as the recipient of the citation by a committee which consisted of Mr. James R. Angell, former president of Yale University; Judge Florence E. Allen of Ohio; Professor Compton, Dr. Harold J. Dodds, president of Princeton University; Dorothy Canfield Fisher, Dr. Frank P. Graham, president of the University of North Carolina; William Green, president of the American Federation of Labor; Professor Hayes, Rupert Hughes, Albert D. Lasker, Dr. Henry Noble MacCracken, president of Vassar College; Mr. O'Connor, who is chairman of the Mobilization for National Unity of the National Conference of Christians and Jews; James N. Rosenberg, Mr. Straus, Charles P. Taft of Cincinnati; Booth Tarkington, Walter White, director of the National Association for the Advancement of Colored People; Dr. Henry M. Wriston, president of Brown University, and Owen D. Young.

The Supreme Court

DEC 8 1940

AGAIN the United States Supreme Court has expressed itself favorably toward the rights of Negroes when it handed down its most recent decision concerning the rights of Texas Negroes to sit on the grand juries. This was the second favorable decision the Negroes have received from that court within ten days. It grew out of the conviction of a colored man who had been accused of rape. The defendant made the charge that Negroes were discriminated against in his county's selection of grand jurors. The Supreme Court so found. Justice Hugo Black, who has become the proponent of liberality and the dispenser of justice for the colored race, wrote the decision of the court and set out to tell the nation a few things about a democracy.

It would appear from the decisions of the Supreme Court during the last few years that that court has grown more sympathetic and tolerant with the problems of Negroes and has not pulled its punches in the expression of its attitutde. The Negro, therefore, is experiencing a new day in the acquisition of rights long denied him by practice though accorded him by law. The Supreme court has assumed the role of making democracy work. Justice Black has not flinched, since he was appointed a member of the court, in the matter of expressing his convictions regarding the rights of the Negro people. He has gone so far as to write a dissenting opinion concerning the application of the Fourteenth amendment of the constitution to the right of corporations. He says that that amendment was never intended to have been used for corporations. It was created for the benefits of the freedman. It should be confined to persons for whose rights it sought to protect Justice Black has written.

The fight for our rights is characterized by several factors. The colored citizens have become more aggressive in recent times than they have ever been. This aggressiveness has led them to voice their dislike for inequality directed at them. Sentiment created against oppression has been the result of conferences, mass meetings, conventions and an enlightened and militant press. Other minority groups have realized that the denial of the rights to one group will eventually mean that all similar groups will experience the same fate. They have, therefore, joined in with the Negroes to aid them in their fight for justice and equality.

The recent attitude of the Supreme Court was not achieved by accident. It is the recognition of the trends that have been manifested through signs of social unrest. It is the answer to the challenge that President Roosevelt made to the court some time ago.

It is hoped that the fight for rights accorded to American citizens will continue uninterrupted and incessantly and that the Supreme court will continue to make democracy and justice a living force for all citizens.

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new york times
new york N.Y.

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DEC 28 1940

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DEC 28 1940

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Chicago Bee

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It is hoped that the fight for rights accorded to American citizens will continue uninterrupted and incessantly and that the Supreme court will continue to make democracy and justice a living force for all citizens.

FOR THE SECOND TIME WITHIN A YEAR THE Supreme Court, speaking through Justice Black, has interfered to bring justice to a Negro in the South. On last February 12—Lincoln's birthday—the court set aside the conviction of four Negroes in Florida for murder on the ground that their confessions had been obtained by third-degree methods. This time it set free a Negro convicted of rape, and it did so on the ground that the Texas county in which he was convicted discriminated against Negroes in picking its grand juries. "For racial discrimination to result in the exclusion from jury service of otherwise qualified groups," Justice Black wrote for a unanimous court, "not only violates our Constitution and the laws enacted under it but is at war with our basic concepts of a democratic society and a representative government." The decision shows the court again going beyond the words of a statute and even the intentions of those enforcing it to the actual result. The Texas statute does not discriminate against Negroes. The jury commissioners testified that their failure to put any Negroes on the jury involved in this case was not intentional, if discriminatory. Justice Black ruled that the conviction must be reversed whether the discrimination was "accomplished ingeniously or ingenuously."

Racial Intolerance Is Target Of Hughes

DEC 30 1940

WASHINGTON—(SNS)— "Rancor and bigotry, racial animosities and intolerance" are "the deadly enemies of true democracy," Chief Justice Charles Evans Hughes asserted Saturday.

The Justice made this statement in accepting a citation from the National Conference of Christians and Jews which praised his "contribution to the improvement of human relations" and "advocacy of national unity." He is one of the organizers of the national conferences.

In a private ceremony at his home after officials of the conference had presented the award, Chief Justice Hughes said:

"Popular elections express the will of the people, but back of that will must be the true democratic spirit which alone can save us from the excesses of the rule of force.

"Liberty cannot be conserved by majority rule unless the majority hold sacred basic individual rights regardless of race or creed, so that, along with our differences of view, political and religious, we have a deep and abiding sense of human dignity and worth and hence of our capacity for friendly cooperation in pursuit of common ideals of justice."

CALVIN'S DIGEST

By L. BAYNARD WHITNEY

DEC 13 1940

MR. JUSTICE BLACK

Justice among men is not blind its administration is colored, modified and influenced by good and bad tradition, environment, personality and individual character. A conception of justice can be no higher than the evolved consciousness of the individual or a group of individuals, legal training to the contrary notwithstanding.

Race organizations and individuals who approved of the President's appointment of Justice Hugo Black to the august U. S. Supreme Court at a time when he was being branded a Klansman should feel gratified by the impressive line of Justice Black's opinions upholding our civil liberties and constitutional rights since that time.

Last week Justice Black wrote a unanimous opinion which nullified a rape conviction against Edgar Smith, 20-year-old Negro lad of Harris County, Texas.

"WORDS NOT ENOUGH"

Smith pleaded that systematic exclusion of Negroes from Texas grand juries denied him a right of equal protection guaranteed by the Fourteenth Amendment, following a sustained trial court conviction by the Texas Court of Criminal Appeals which claimed there was no arbitrary discrimination. Texas must free Smith under its one-year statue of limitations as he has been in jail since 1938.

The Black opinion cracked dow solidly on the evasive practices of States which have no-bias laws "held out on a promise that no such discrimination will be practiced is not enough. The Fourteenth Amendment requires that equal protection to all must be given—not merely promised."

Judges, being human, can be as biased as any other classification of individuals. Yet, there are many men in high offices who make a sincere effort to subordinate their personal prejudices to reason, truth and justice. But on the record Justice Black has unquestionably justified the confidence and trust of his Negro friends, who realize that many of their sincere Southern white friends at some time in their career accepted a political boost from the Kluxers.